

August 6, 2003 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

03AN0286

Chris Z. Holder and Jody R. Pearce

Dale Magisterial District
3924 Saldale Drive

REQUESTS: A twenty-four (24) foot Variance to the eighty (80) foot front yard setback requirement and a five (5) foot Variance to the thirty (30) foot corner side yard setback requirement for a detached carport.

RECOMMENDATION

Recommend denial of these requests for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not applicable generally to other properties in the area.
- B. Variances are not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

Property is located at 3924 Saldale Drive. Tax ID 783-679-5409 (Sheet 18).

Existing Zoning:

R-7

Size:

0.4 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-7; Residential
South - R-7; Residential
East - R-7; Residential
West - R-7; Residential

Utilities:

Public water and sewer

General Plan:

(Central Area Land Use and Transportation Plan)

Residential
(2.51 to 4.0 units per acre)

DISCUSSION

The applicants have installed a prefabricated portable carport on the subject property. The applicants have indicated the carport is located fifty-six (56) feet from the front property line (see attached site plan). The Zoning Ordinance requires an eighty (80) foot front yard setback, therefore, the applicants request a twenty-four (24) foot Variance. Also, the carport is located twenty-five (25) feet from the corner side yard property line (see attached site plan). The Zoning Ordinance requires a thirty (30) foot corner side yard setback, therefore, the applicants request a five (5) foot Variance.

The applicants provide the following justification in support of these requests:

We have received a Notice of Zoning Violation from Chesterfield County. We were not aware of the setbacks. A contractor put up the carport and bolted it to the concrete. There is no other feasible location on the property to put a carport. There is a side entrance which leads to the carport. We have already paid \$3,700 plus \$1,100 remaining to be paid.

On March 17, 2003, the Planning Department received a complaint about the carport being located too close to the front and corner side property lines.

Staff has reviewed the application and attached plat. Staff notes the subject property is located in the Fuqua Farms Subdivision, a well established single family neighborhood.

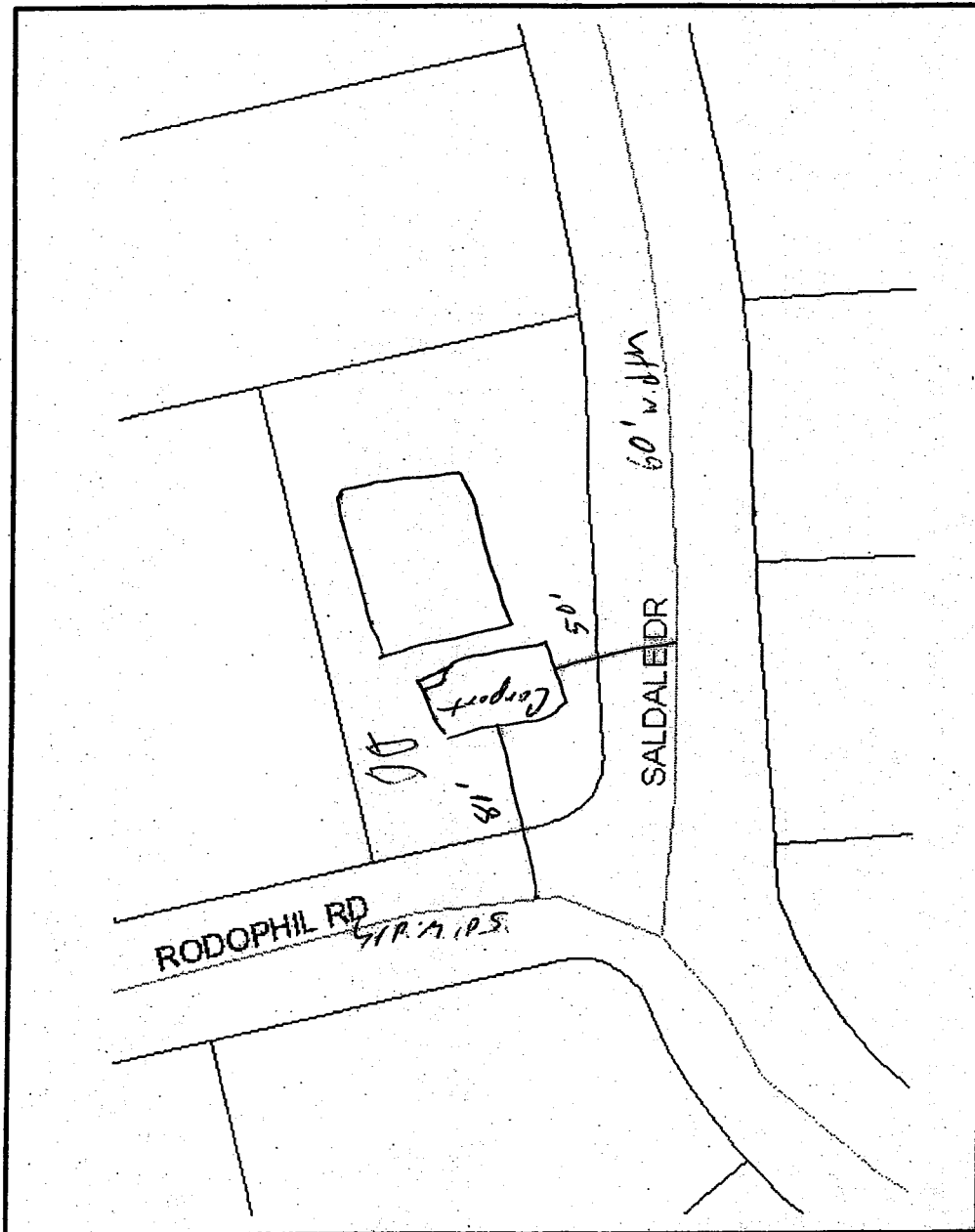
Staff visited the subject property and observed a prefabricated portable carport (approximately eighteen (18) by forty (40) feet). This carport is located fifty-six (56) feet from the front property line and twenty-five (25) feet from the corner side property line. Staff is concerned about the

negative impact of this structure. Staff believes this carport will have a negative visual impact on the area in general. Additionally, the carport, at this location, may reduce or impair the values of buildings or properties in the immediate area.

The Board should consider, in addition to the location, the design, construction or any other aspects of the particular structure which may impact the adjacent properties.

Staff finds there are no extraordinary circumstances or conditions that apply to the subject property which do not apply generally to all other properties in the immediate area. Therefore, the test for Variances as specified in the Zoning Ordinance, Section 19-21.(b)(2) has not been met.

Staff believes that it would not be an undue hardship to require the carport to be set back the required distances to meet the Zoning Ordinance standards. Staff finds no conditions upon which these requests are based which are unique to the subject property and do not apply generally to other properties in the area. Therefore, staff recommends that these requests be denied.



Sidyard variance

50.30 = 20 Actual

10ft variance

30m - 20 m

Front Yard

81-25 = 56 Act

29ft variance

70 800 56 m

14ft variance